Scotland Laws. — II Charles II

ACT

Concerning the

MILITIA.

Edinburgh, the 16. of *November*, 1669.

EDINBURGH,
Printed by *Evan Tyler*, Printer to the King's most Excellent
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FOraſmuch as by divers ancient Laws and Acts of Parliament, made in the Reigns of His *Majeſties* Royal Anceſtors, it is Statute and Ordained, That Weapon-ſhowings be holden in ilk Shire ſeveral times in the year, at which the Lieges are appointed to be harniſhed and armed, according to their qualities and degrees; as at length is ſpecified in theſe Acts. And it being declared by the fifth Act of the firſt Seſſion of His *Majeſties* late Parliament, That it is His *Majeſties* Prerogative-Royal and undoubted Right, to have the power of raiſing in Armes the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwayes diſpoſing thereof as He ſhall think fit. As alſo, the Eſtates of Parliament of this Kingdom, in recogniſance of His *Majeſties* Royal Prerogative foreſaid, and in a further acknowledgement of their duty, Having, by the twenty fifth Act of the laſt Seſſion of the foreſaid Parliament, made offer to His *Majeſty* of twenty thouſand Footmen and two thouſand Horſemen, ſufficiently armed and furniſhed with fourty dayes proviſion, to be raiſed from the ſeveral Shires of the Kingdom, according to the proportions expreſt in that Act, to be in readineſs as they ſhall be called for by His *Majeſty*, to march to any part of His Dominions of *Scotland*, *England* or *Ireland*, for any ſervice wherein His *Majeſties* Honour, Authority or Greatneſs may be concerned. And His *Majeſty*, finding it expedient that the foreſaid number of Foot and Horſe ſhould be modelled and trained in military diſcipline, to the effect they might be in greater readineſs and fitneſs for His *Majeſties* Service when they ſhould be called for, Having, by advice of His Privy Council, conſtituted and ſettled a Militia of Horſe and Foot in many Shires of the Kingdom, according to the proportions mentioned in the foreſaid Act; and in ſome other Shires a Militia of Horſe only; having thought fit in this exigent, for important reaſons, to change their Foot into a proportion of Horſe, ſuteable to the charge of their proportion of Foot: And having nominated and appointed the Collonels and Lieutenant-Collonels of Foot, and Captains of Horſe; And the Lords of Privy Council having, by His *Majeſties* Order and Warrand, appointed Commiſſioners of the Militia in the ſeveral Shires, ordered the election of the inferiour Officers, appointed particular dayes of Rendezvous, the way of liſting of Foot-ſouldiers, ordered fit allowances to be given to the Foot and Horſemen every day of the Rendezvous; That Collours, Standarts, Drums and Trumpets be provided at the charge of the Shire; and having given ſeveral other Orders and Inſtructions concerning the ordering and diſpoſing of the Militia, The Eſtates of Parliament do in all duty acknowledge

His *Majeſties* ſingular Wiſdom and tender Care of this His ancient Kingdom, in conſtituting and ſettling the foreſaid Militia. Likeas, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth Ratifie and Approve the conſtitution and model of the Militia, as the ſame is eſtabliſhed by His *Majeſty* with advice of his Privy Council: And particularly, their appointing dayes for Rendezvous, ordering fit allowances to be given to the Foot and Horſemen the ſaids dayes of their Rendezvous; And all Acts, Commiſſions, Orders and Inſtructiones paſt and emitted by the Council concerning the Militia, and their whole proceedings relating thereto. And Statutes and Ordaines, that in all time coming there be allowed to each Footman ſix ſhillings Scots, and to each Horſeman eighteen ſhillings Scots, every day of the Rendezvous, to be payed be the Heretors; And that the ſaid ſix ſhillings to be payed to the Footmen, be refounded to the Heretors by the men-tennents and ſervants for whom the Footmen are put out, and who are not liſted in the Militia. And alſo Statutes and Ordaines, that the Rendezvous be punctually keeped, that Horſe and Foot be duely outreiked and ſufficiently armed, that Fractiones with their proportions of the price of the Collours, Drums, Standarts, and Trumpets be timeouſly payed. Likeas, His *Majeſty*, with advice foreſaid, doeth give power and warrand to the Commiſſioners of the Militia in the reſpective Shires, to fine parties for the Souldiers abſence from the Rendezvous, not exceeding ſix pounds Scots for the Horſeman, and two pounds Scots for the Footeman abſent ilk day of the Rendezvous; And likewiſe, ſuch as ſhall be deficient in the outreik of Horſe or Foot, or in payment of the fractions thereof, or of the proportions of Collours, Drums, Standarts and Trumpets, or of the pay allowed by this preſent Act to the Horſemen or Footmen, the men-tennets and ſervants for whom the Footmen are put out, being alwayes lyable to relieve the reſpective Heretors of the payment of the fines aforeſaid, in ſo far as concerns the deficiency in outreik of Foot, or payment of the fractions thereof, or abſents of the Footmen from the dayes of Rendezvous. And to the effect, more ready obedience may be given to this preſent Act and Ordinance, His *Majeſty*, with advice foreſaid (without derogation from any power already given by the Inſtructions or Acts of Council) doth authorize and impower the Commiſſioners of the Militia in the reſpective Shires, or any three of them (two of the *quorum* not being Officers) after tryal taken that parties have been abſent from the Rendezvous, or deficient in the outreiks and payments foreſaid; to give order and warrand to any one of the Serjants of Foot of the reſpective Companies, or Corporals of Horſe to be named by the ſaids Commiſſioners, to poind and deſtreinzie the readieſt Goods and Geer of theſe abſent or deficient, wherever the ſame may be found, appriſe and make ſale thereof towards the payment of the ſums ſpecified in the ſaid Warrand, and of the charges and expenſes of the poinding and appriſing; theſe charges alwayes not exceeding als much more as the ſums for which the poinding ſhall be uſed. Likeas, His *Majeſty*, with advice foreſaid, conſtitutes the ſaid perſon, to whom the foreſaid Order ſhall be directed, Sheriff in that part; with power to him, by vertue of that Order, to poind the Goods

without

without neceſſity of carrying the ſame to the Paroch-church or Mercat-croſs of the head Burgh of the Shire to be appriſed; and to do and act in the execution of the ſaid Order, ſicklike as a Meſſenger at Armes may do by the Law, in execution of Letters of poinding and appriſing given under His *Majeſties* Signet: Providing alwayes, that the goods poinded be valued and appriſed by two honeſt ſworn men, whoſe oathes the ſaid Sheriff in that part is authorized to take to that effect; And declares, That it ſhall be leiſome to the party from whom the goods ſhall be poinded, to redeem the ſame within ſix dayes after the poinding, by payment of the ſums, for which the poinding ſhall be uſed, expenſes of the poinding foreſaid, and twelve ſhilling Scots each day during the not redemption. And in caſe the party do not redeem the goods poinded within the ſpace foreſaid, Declares that it ſhall be lawfull to the ſaid Sheriff in that part, to retain the goods or ſell the ſame, with deduction of the third of the ſum to which they were appriſed, He alwayes being countable for the price thereof to the Commiſſioners of the Militia, who are to ſee the party, from whom the Goods were poinded, ſatisfied of the *ſuperplus* of the price (if any be) the ſum for which the poinding was uſed, expenſes foreſaids of the poinding, third part of the value to which the Goods were appriſed, with twelve ſhilling Scots ilk day during the ſpace that the party had power to redeem, being alwayes deduced; and declares the ſaid Warrand, being ſigned by three of the ſaids Commiſſioners (one of them only being an Officer) to have the force and ſtrength of an Decreet; and that there is no neceſſity of any Precept or Charge to follow thereon: And that the poinding and appriſing ſo uſed, by vertue of the ſaid Warrand, is and ſhall be als lawful and valid, as if all the ſolemnities requiſite and uſual in poindings were obſerved; whereanent His *Majeſty*, with advice foreſaid, doth diſpenſe in this caſe of the Militia. And it is declared, that theſe who are not ſufficiently armed or mounted at the Rendezvous, ſhall be holden as abſent therefrom, and ſhall be fined and poinded accordingly in manner foreſaid. And for preveening debates that may ariſe the time of muſtering, it is Declared, that Lieutenants and Cornets of Horſe ſhall be reckoned of the number of Horſemen, appointed to be put out in the reſpective Shires; But prejudice alwayes to any of the ſaids Officers, to claim and ſute payment of Fractions, if they be Leaders of Horſe. As alſo, His *Majeſty*, with advice foreſaid, doth authorize and impower the Lords of His Privy Council from time to time, to appoint dayes of Rendezvous, and to give ſuch further orders as ſhall be requiſite for the full eſtabliſhment of the Militia in every particular thereof; and to call for an account from the ſeveral Shires of their procedure and diligence in ſettling the ſame. And commands and requires all His *Majeſties* Subjects of whatſoever degree or quality, to give due and ready obedience to all ſuch orders and directions as they ſhall receive from His *Majeſties* Privy Council, relating to the Militia, under the pains and certifications contained in any Acts made, or to be made by them thereanent.

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